

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.7363 of 2007**

Santosh Kumar, S/o. Shiv Kumar Aged about 22 years,
R/o. Bhilai Camp 1, Quarter No.33/B Post Supela,
Distt. Durg (CG)

----- **Petitioner**

Versus

1. Union of India, through its Secretary, Ministry of Home Affairs, New Delhi.
2. Central Reserve Police Force, Through Deputy Inspector General of Police, C.R.P.F. Raipur (CG)
3. Additional Deputy Inspector General of Police, Central Reserve Police Force, Group Central, Bharni, Bilaspur (CG)
4. Assist. Commandant, (Headquarter/Administration) Central Reserve Police Force, Group Central, Bharni, Bilaspur (CG)
5. Hansaraj, Asst. Commandant Central Reserve Police Force, Group Central, Bharani, Bilaspur (CG)
6. Deputy Inspector General of Police C.R.P.F., A.B. Road Naya Gaun Gwalior (M.P.)

----- **Respondents**

For Petitioner	:	Mr.Vinod Deshmukh, Advocate
For Res.No.1 to 4 & 6	:	Mr.Ramakant Mishra, A.S.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15.7.2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. In this writ petition the short grievance of the petitioner is that though he was selected on the post of Constable by respondent No.6 on 7.10.2006, but he was not allowed to join on the said post by respondent No.5-Hansraj, Assistant Commandant, Central Reserve

Police Force, Group Central, Bharani, Bilaspur, against which, the petitioner has made a complaint, which has been inquired by the office of DIGP, CRPF, Raipur on 23.11.2006 and report has been submitted to the Additional DIGP, Group Centre, CRPF, Bilaspur in which it has clearly been recorded that he has been *malafidly* not allowed to join at the instance of respondent No.5-Hansraj, Assistant Commandant, rather he has been arrested and detained at the instance of respondent No.5-Hansraj, Assistant Commandant. Therefore, the petitioner may be allowed to make a representation to respondent No.6, which is opposed by Mr.Ramakant Mishra, learned Assistant Solicitor General appearing for respondents No.1 to 4 and 6 and submits that the petitioner has already been dismissed from service, to which Mr.Vinod Deshmukh, learned counsel for the petitioner, would submit that the petitioner's writ petition has partly been allowed and the matter has been remanded back to the appellate authority where his appeal is pending consideration against his dismissal. Therefore, the petitioner may be allowed to make a representation.

3.I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost

circumspection.

4. It appears that though the petitioner was selected on the post of Constable, but he was not allowed to join on the said post and it is the case of the petitioner that at the instance of respondent No.5-Hansraj, Assistant Commandant, he was not allowed to join on the said post.

5. The respondents have filed Annexure R-9 in which the DIGP, CRPF, Raipur has inquired the matter and sent the report to the Additional DIGP, Group Centre, CRPF, Bilaspur on 23.11.2006. In para-3, following finding has been recorded by DIGP, CRPF, Raipur:-

"3. The case has also been examined in this office and found that the technical resignation of Cook Santosh was required to be accepted immediately soon after his arrival from OSL but his technical resignation was not accepted and he has been unnecessarily harassed. Therefore, review the whole case on priority as he is already selected to the post of CT/Bug and following points may also be clarified for taking further course of action.

a) As per complaint of above individual, his signature has been obtained on grade up form on 1/11/2006 but his technical resignation not accepted in time and he has been unnecessarily harassed and demanded a sum of Rs. 50000.00 by Shri Hansraj. A/C. for accepting his technical resignation.

b) Above individual reported in GC-BSP on 24/10/2006 after OSL, hence it is not understood that why his case regarding accepting for technical resignation and regularization of OSL period has not been decided by the Addl.DIGP before and regularization of OSL period has not been

decided/settled by the Addl.DIGP before proceeding on course on 4/11/2006.

c) Your office vide signal No.W-II-I/2006-EC-II dated 5/11/2006 has informed GC-Gwalior that, if the said cook reported at GC Gwalior he may not be allowed to join duty as above cook is not free from vigilance angle and required to be arrested/detained. It may be clarified whether WOA was issued against above Cook or otherwise, if so intimate date of issue of WOA."

6. A careful perusal of the aforesaid finding (para-3 of Annexure R-9) would show that the petitioner's complaint was inquired into and parawise reply has been sought from the Addl.DIGP, Group Centre, CRPF, Bilaspur.

7. Be that as it may, since the petitioner's complaint has been inquired into by the competent authority and till date, no order has been passed though the petitioner was selected on the post of Constable, it would be appropriate to give liberty to the petitioner to make a representation qua his selection to the post of Constable by order dated 7.10.2006 before respondent No.6 within 30 days from today along with a copy of this order. If such a representation is made, respondent No.6 would do well to consider and decide the petitioner's representation within next 60 days from the date of receipt of representation in accordance with law by passing reasoned and speaking

order. The petitioner is at liberty to file additional documents in support of his representation.

8. With the aforesaid observation / direction, the writ petition finally stands disposed of. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-